

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:05cv218**

<b>JO TREADWELL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>STATE FARM FIRE AND CASUALTY</b>	)	
<b>COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the court on defendant's Motion to Dismiss and Motion to Amend Caption and plaintiff's Motion to Amend Complaint. Having considered defendant's motion and reviewed the pleadings, and it appearing that counsel for defendant has consented to defendant's Motion to Amend, the court enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that

- (1) plaintiff's Motion to Amend Complaint (#\_\_) is **GRANTED**, and plaintiff if allowed 10 days from the filing of this Order to file its Amended Complaint and serve such document on counsel for defendant;
- (2) defendant's Motion to Dismiss (#3) is **DENIED** without prejudice as **MOOT**;
- (3) defendant's Motion to Amend Caption (#3) is **ALLOWED**, and the caption is amended as reflected above; and
- (4) defendant shall have 20 days from receipt of the Amended Complaint to file its Answer or other responsive pleading.

**Signed: October 18, 2005**

*Dennis L. Howell*

---

Dennis L. Howell  
United States Magistrate Judge

